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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,461

01/13/2006

Anton Jacobus van den Goorbergh

VER-189XX

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03/04/2009

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EXAMINER

BRADFORD, CANDACE L

ART UNIT

PAPER NUMBER

3634

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/525,461

Applicant(s)VAN DEN GOORBERGH, ANTON
JACOBUS**Examiner**

CANDACE L. BRADFORD

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/24/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example, the examiner is unsure what is meant by the phrase "at least AFTER assembly in the scaffold" in claims 3, 5, 7, 12, 16. What is "one respective side"?— sides have not been disclosed. Appropriate correction is required.

The term "clear" in claim 7 is a relative term which renders the claim indefinite. The term "clear" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

The term "destined" in claims 14, 20 and 21 is a relative term which renders the claim indefinite. The term "destined" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

The term "substantially" in claim 16 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim 12 recites the limitation "the two coupling means" in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

All claims are examined as best understood.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold, provided with uprights 24, and girders 26, characterized in that each girder at least one end face is integrally provided with a coupling means 30, for detachably coupling the girder to a smooth part of the upright.

Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 1, characterized in that said coupling means 30, of the girder comprises a tube clamp to be detachably connected to a smooth tube part, as best seen in Figures 2, 5 and 6.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 1 characterized in that at least one coupling means 30, of the girder 26, is substantially located on one respective side of an at least after assembly in the scaffold horizontal intersecting plane, which plane intersects the girder, as best seen in Figure 2.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according claim 1, characterized in that each coupling means 30, is provided with an integral connecting body 40, which is integrally connected to the respective girder 26.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 4, characterized in that at least one coupling means 30, of the girder is substantially located on one respective side of an at least after assembly in the scaffold, horizontal intersecting plane, which plane intersects the girder, and a relatively large part of the connecting body 40, of each coupling means, is located at the same side of said intersecting plane as the respective coupling means, as best seen in Figure 2.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 4, characterized in that each connecting 30, is of substantially solid design.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 4, characterized in that at least one coupling means 30, of the girder 26, is substantially located on one

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respective side of an at least after assembly in the scaffold, horizontal intersecting plane, which plane intersects the girder, and each said connecting body 40, is designed for keeping a space between the respective girder and an oppositely located upright clear, which is destined for a part of a coupling means of a different girder to be coupled to that upright at substantially the same height, as best seen in Figures 1 and 3.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 4, characterized in that each connecting 30, extends at least partly in a respective end of the respective girder.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 8, characterized in that the connecting body 30, fits into the girder 26, with relatively little or no clearance, as best seen in Figure 3.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 4, characterized in that the connecting body 30, is designed such that the distance between the end face of the girder and an outer side of the upright after assembly, is less than approximately 5 cm, as best seen in Figure 2.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 1, characterized in that the girder 26, is integrally provided at both end faces with coupling means 42, for coupling the girder to uprights.

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 1, characterized in that at least one coupling means of the girder is substantially located on one respective side of an at least after assembly in the scaffold horizontal intersecting plane, which plane intersects the girder, and the two coupling means 42, of the girder are located on opposite sides of said intersecting plane.

Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 1, characterized in that each coupling means 30, comprises a half cross-coupling, as best seen in Figures 5 and 6.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a girder 26, destined for a scaffold according to claim 1.

Claim 16 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 2, characterized in that at least one coupling means 30, of the girder 26, is substantially located on one respective side of an at least after assembly in the scaffold horizontal intersecting plane, which plane intersects the girder, as best seen in Figure 2.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 9, characterized in that the girder 26, is integrally provided at both end faces with coupling means for coupling the girder to uprights, as best seen in Figure 1.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 9, characterized in that each coupling means 30 comprises a half cross-coupling, as best seen in Figures 5 and 6.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a scaffold according to claim 12, characterized in that each coupling means 30 comprises a half cross-coupling, as best seen in Figures 5 and 6.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a girder 26, destined for a scaffold according to claim 9.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ledingham (6579032). Ledingham discloses a girder 26, destined for a scaffold according to claim 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ledingham (6579032). Ledingham as advanced above fails to disclose a method for building a

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scaffold. In view of the structure as advanced above it would have been obvious to use the apparatus of Ledingham in the method as claimed i.e. coupling the uprights and girders, erecting the uprights to a desired position and height and coupling the girders to the smooth part of the upright, while producing no new and unexpected results.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/

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Supervisory Patent Examiner, Art
Unit 3634nr

Candace L. Bradford
Patent Examiner
Art Unit 3634
February 24, 2009